

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DEFENSE DISTRIBUTED and SECOND	§	
AMENDMENT FOUNDATION, INC.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	
UNITED STATES DEPARTMENT OF	§	
STATE, Michael R. Pompeo, in his official	§	
capacity as Secretary of State;	§	
DIRECTORATE OF TRADE	§	
CONTROLS; MIKE MILLER, in his	§	Case No.: 1:18-cv-637-RP
official capacity as Acting Deputy Assistant	§	
Secretary of Defense Trade Controls;	§	
SARAH HEIDEMA, in her official	§	
capacity as Director of Policy, Office of	§	
Defense Trade Controls Policy,	§	
	§	
and	§	
	§	
GURBIR GREWAL, Attorney General of	§	
the State of New Jersey,	§	
	§	
Defendants.	§	

**FEDERAL DEFENDANTS’ UNOPPOSED MOTION FOR AN EXTENSION OF TIME
TO RESPOND TO MOTION TO SEVER AND TRANSFER VENUE**

Plaintiffs originally filed this case more than two years ago, on July 29, 2018. *See* Compl., ECF No. 1. On November 10, 2020, Plaintiffs filed an 89-page, 348-paragraph Second Amended Complaint, ECF No. 117 (“SAC”), for the first time naming officials and agencies of the federal government as Defendants.

Plaintiffs did not serve the SAC on the United States Attorney’s Office until November 30, 2020. ECF No. 125. In the interim, on November 18, 2020, Defendant Gurbir Grewal—the only defendant remaining of those originally named in this action—filed a pair of opposed motions: a

Motion for Leave to Exceed the Page Limitations, ECF No. 120, and a Motion to Sever and to Transfer Venue Pursuant to 28 U.S.C. § 1404(a) and 28 U.S.C. § 1406(a), ECF No. 121. Under the Local Rules, briefs in response to these motions, if properly-filed, would have been due November 25, 2020—before the Federal Defendants had ever been served.¹

Under the Federal Rules, the Federal Defendants have until January 29, 2021, to answer or to otherwise respond to the SAC. Given the complexity of the issues presented by Plaintiffs' lengthy pleading and the intertwined relationship between the claims against the Federal Defendants and the claims against AG Grewal, the Federal Defendants respectfully request that they be provided a 30-day extension from the date of this filing, until January 11, 2021, to consider the Motion to Sever and to Transfer Venue in the context of the SAC and to respond to the motion. The Federal Defendants have not previously sought any extensions in this case. This motion is made in good faith and not for purposes of delay, and Plaintiffs do not oppose this request for an extension.

Dated: December 10, 2020

Respectfully submitted,

JEFFREY BOSSERT CLARK
Acting Assistant Attorney General

ANTHONY J. COPPOLINO
Deputy Director

¹ There is some doubt as to whether the Motion to Sever and to Transfer Venue, ECF No. 121, has been properly filed, and thus, whether the time to respond has run. *See* Notice re 121 Opposed MOTION to Sever Opposed MOTION to Transfer Case (unnumbered docket entry) (Nov. 19, 2020).

/s/ Lisa Newman

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Counsel for Defendants

CERTIFICATE OF CONFERENCE

I certify that counsel for the Federal Defendants conferred with Plaintiffs' and Defendant Gurbir Grewal's counsel by telephone and email to discuss this motion, and Plaintiffs and Defendant Grewal are unopposed to the relief requested herein.

/s/ Lisa Newman

Lisa Newman

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was served on the other parties to this action and their counsel of record through electronic filing in the Court's ECF system on December 10, 2020.

/s/ Lisa Newman
Lisa Newman